
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JAMES THOMAS MCBRIDE,

Petitioner,

versus

MARCUS MARTIN,

Respondent.

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CIVIL ACTION NO. 1:11-CV-450

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Petitioner, James Thomas McBride, an inmate formerly confined at FCC Beaumont, proceeding *pro se*, filed this petition for writ of habeas corpus.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the petition for writ of habeas corpus be dismissed as frivolous pursuant to 28 U.S.C. § 1915A.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed by either party to date.¹

¹

On October 4, 2011, petitioner's mail containing the order regarding petitioner's application to proceed *in forma pauperis* was returned as undeliverable. The notation indicated that petitioner was no longer at FCC Beaumont. Petitioner has failed to notify the Court of his new location.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 2nd day of November, 2011.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE